

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

JAMES LEON DANIEL,

Defendant.

CRIMINAL FILE NO.

1:19-CR-376-2-TWT

ORDER

This is a criminal action. It is before the Court on the Report and Recommendation [Doc. 240] of the Magistrate Judge recommending denying the Defendant's Motion to Suppress Statements [Doc. 95], Motion to Dismiss Count 5 [Doc. 93], and Motion to Suppress Search of Cell Phones [Doc. 168]. The Defendant makes the same arguments in his Objections that were rejected by the Magistrate Judge in the thorough and well-reasoned Report and Recommendation. The Motion to Dismiss should be denied based upon binding Eleventh Circuit precedent. The waiver of the Defendant's Miranda rights was knowing and intelligent. The search of the cellphone did not violate the Defendant's Fourth Amendment rights. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Defendant's Motion to Suppress Statements [Doc. 95], Motion to Dismiss Count 5 [Doc. 93], and Motion to Suppress Search of Cell Phones [Doc. 168] are DENIED.

SO ORDERED, this 10th day of November, 2021.

A handwritten signature in blue ink, reading "Thomas W. Thrash, Jr.", written over a horizontal line.

THOMAS W. THRASH, JR.
United States District Judge